Single Bench (1)
(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 4493 / 2004

PETITIONER:

P.R. No. 4470/04
Presented by Shri A.K. Devangan
dated 18/9/04

Puran Singh Baghel, S/o Late Shri Lakhmu Ram Baghel , Caste Bhatra (Satnami), aged about 36 years, Occupation Head Constable in Police Department , R/o Village Post Khorkhosa, Tehsil Jagdalpur, District Bastar , Chhattisgarh.

VERSUS

RESPONDENTS:

1. State of Chhattisgarh Through the Secretary, Department of Home, D.K.S. Building, Mantralaya Raipur (C.G.)

2. The Director General of Police Police Head Quarter, Raipur District. Raipur (C.G.)

3. Inspector General of Police Bastar Range, Jagdalpur, District – Bastar (C.G.)

4. Himanshu Gupta Superintendent of Police Jagdalpur, District- Bastar (C.G.)

5. Station House Officer Police Station – Perpa Jagdalpur, District- Bastar (C.G.)

Clerk to A.G. Bilaspur
18/9/04

19/11/04

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUENCE OF WRIT IN THE NATURE OF MANDAMUS, PROHIBTION, CERTIORARI, AND ANY OTHER WRITS, DIRECTIONS OR ORDERS.

(32)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. NO. 4493 सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

09.02.2005

Shri Alok Dewangan, learned counsel for the petitioner.

Shri Sandeep Dubey, Panel Lawyer for the State/ respondents no.1 to 3 and 5 on advance copy.

Heard on admission.

learned counsel for the petitioner submits that on account of certain allegations of irregularities committed by the petitioner and 3 other employees namely Head Constable No.48 Muneshwar Singh, Constable No.114 Sudarshan Dubey and Constable No.448 Prashant Bishwas, a joint departmental enquiry was initiated vide Notice/Memo of Specification of Charges dated 03.8.2004. A copy of the same has been filed as Annexure P-4. He further submits that vide order dated 07.6.2004 (Annexure P-1) the petitioner was transferred from Thana Parpa to Thana Dhanora. Later on he was suspended vide order dated 21.6.2004, a copy of which has been filed as Annexure P-2. He also submits that on the same date, i.e., 21.6.2004 though the petitioner was suspended, but the other three persons who were involved in this matter have only been line attached and no suspension order was issued against them. The contention of learned counsel for the petitioner is that when a common charge sheet was issued against all the 4 persons

Gr. PRJ—FS/350—12/2000—50,000.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

then it was incumbent upon the authority either to suspend all of them or to allow them all in service and pass an order for line attachment etc., as it was passed in case of other 3 persons.

Learned counsel for the petitioner submits that the action on the part of respondents suspending the petitioner is malafide as the respondents are not giving equal treatment to the persons involved in the said case against whom a joint charge sheet has been issued and an enquiry is pending.

A perusal of the petition shows that the petitioner has sought various other reliefs like increment, compensation for his pain and mental agony, but he ~~does~~ has not sought the relief regarding cancellation or setting aside the order of suspension dated 21.6.2004.

I have heard learned counsel at length.

Presently, this Court is not inclined to interfere with the matter for the said reliefs claimed in the petition because it would be too haste for this Court to make any such view on the basis of which the reliefs claimed by the petitioner would be granted. However, in the opinion of this court, the main grievance of the petitioner appears to be the order of suspension due to which he has been put under suspension. Admittedly, the order of suspension is appealable under Rule 23 of the

Gr. PRJ—FS/350—12/2000—50,000.

(34)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 3	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

C.G.Civil Services (Classification, Control and Appeal) Rules 1966.

This petition is not worth admission. Hence it is dismissed at the motion stage itself. However, the petitioner if so advised may file an appeal against the order of suspension before the appellate authority and if such an appeal is filed, the appellate authority will decide the same in accordance with law without being influenced by the remarks made in this order.

It is made clear that this Court has not expressed any opinion on the merits of the case and the observations made in this order will not be binding either on the appellate authority or on the disciplinary authority in any way.

With the aforesaid observations, this petition stands finally disposed of.

C.C. as per rules.

Sd/-
Sunil Kumar Sinha
Judge

Gr. PRJ—FS/350—12/2000—50,000.